

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CORNELIUS COREY,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOSHUA DENNIS, Unit Manager)	1:23-cv-440
of Falls Unit, KENNETH C.)	
MARTINELLI, Sergeant of Falls)	
Unit, ZACHARY GUTHRIE, Captain,)	
NICHOLAS KEAGAN, Assistant)	
Unit Manager of Falls Unit,)	
)	
Defendants.)	

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on June 27, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 23.) In the Recommendation, the Magistrate Judge recommends that Defendants' motion to dismiss pursuant to Rule 12(b)(6) be converted to a motion for summary judgment pursuant to Rule 56 and granted, and that this action be dismissed without prejudice. The Recommendation was served on the parties to this action on June 27, 2024. (Doc. 24). Plaintiff filed timely objections to the Recommendation. (Doc. 25.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

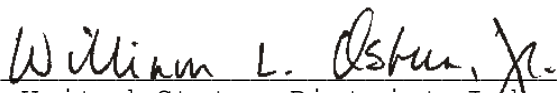
This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 23), is **ADOPTED. IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss all Claims for Failure to Exhaust Administrative Remedies, (Doc. 15), is converted to a Motion for Summary Judgment and is hereby **GRANTED.**

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

A Judgment dismissing this action is filed contemporaneously herewith.

This the 10th day of September, 2024.



United States District Judge